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**Via ECF and E-mail: [bernstein.chambers@nysb.uscourts.gov](mailto:bernstein.chambers@nysb.uscourts.gov)**

Honorable Stuart M. Bernstein  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, New York 10004-1408

**Re: Securities Investor Protection Corporation v. Bernard L. Madoff  
Investment Securities LLC**

**Adv. Pro. No. 08-01789 (SMB)**

**Irving H. Picard, As Trustee for the Liquidation of Bernard L. Madoff  
Investment Securities LLC v. Magnify Inc., Premero Investments Ltd.,  
Strand International Investments, Ltd., The Yeshaya Horowitz  
Association, Yair Green and Express Enterprises Inc.**

**Adv. Pro. No. 10-05279 (SMB)**

Dear Judge Bernstein:

We represent all six of the defendants in the above-entitled adversary proceeding, and are preparing a joint motion to dismiss the plaintiff's Second Amended Complaint on behalf of all six defendants. Our motion to dismiss is due to be filed on October 31, 2017 pursuant to a Stipulation and Order dated September 28, 2017, that was approved by Your Honor on that same date.

We respectfully request leave of the Court to file an oversize Memorandum of Law on behalf of our clients, and seek permission to file a moving Memorandum of no more than 70 pages.

The Second Amended Complaint is 69 pages long, exclusive of its voluminous exhibits, and is comprised of 237 paragraphs plus the *ad damnum* clause. The allegations set forth in the Second Amended Complaint raise a multitude of issues, *inter alia*, issues pertaining to (a) the standards of review applicable to motions to dismiss pleadings such as the Second Amended Complaint, (b) "actual knowledge" as it pertains to the "safe harbor" defense, (c) "willful

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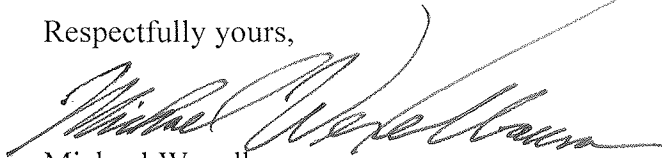
blindness” and lack of “good faith” pertaining to the Trustee’s claim to recover as a “Two-Year Transfer” the principal invested by one of the defendants, (d) alter ego and piercing the corporate veil claims as governed by the laws of two different foreign jurisdictions, (e) partnership law, (f) pre-2001 transfers, and (g) equitable subordination of claims filed by four of the defendants.

We submit that an increase from the Court’s standard 40-page limit specified in Your Honor’s chamber rules is necessary to adequately address the legal arguments and distinct facts raised by the plaintiff’s lengthy pleading.

We have conferred with counsel for the Trustee and they consent to this request provided that the Trustee is also allotted a 70-page limit on the plaintiff’s Memorandum of Law in opposition to the motion to dismiss. We have no objection thereto.

We await the Court’s response.

Respectfully yours,



Michael Wexelbaum

MW/tv

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